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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,269	05/22/2000	Michael J. Cummings	A0000278-04-CWA	2684

7590

12/17/2002

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/576,269

Applicant(s)
Cummings et al.

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 6, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above, claim(s) 5-24, 30, 31, 33, 34, 37-41, 43, 44, and 49-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 25-29, 32, 35, 36, 42, and 45-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Applicant's election of Group I (claims 1-4, 25-29, 32, 35, 36, 42 and 45-48) in the response filed August 6, 2002 (paper no. 9) is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 5-24, 30, 31, 33, 34, 37-41, 43, 44 and 49-51 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Information Disclosure Statement

2. The information disclosure statement filed May 22, 2000 (paper no. 4) has been received and the references listed thereon have been considered.

Drawings

3. The drawings are objected to because of the following informalities:

In Figure 2, numeral 22 appears to be inaccurate since it has already been used in Figure 1 to indicate the upper end of the shaving assembly (opposite 24) intended to indicate the upper of the cap (opposite 54) in this figure; also numeral 10 is inaccurate, and should be changed to --20-- or the like.

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In Figure 4, threads 88 are not visible and should be shown.

In Figure 5A, numeral 68 should be added (e.g., with an arrowheaded lead line) for clarity.

In Figure 9, the lead line for numeral 36B is inaccurate (since it indicates the slot previously indicated by 34B), and the lead line should be redrawn to indicate the slot opposite 36A.

In Figure 10A, sectional view line XB-XB (described on page 12) is not shown and should be added.

In Figure 11A, sectional view line XIB-XIB (described on page 12) is not shown and should be added.

In Figure 12A, sectional view line XIIB-XIIB (described on page 12) is not shown and should be added.

In Figure 12B, numerals 132B and 132A should be shown for clarity.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.


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Abstract

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it is too long. Also, line 15 should be deleted. Appropriate correction is required. See MPEP § 608.01(b). 

Specification

6. The disclosure is objected to because of the following informalities:

On page 13, lines 5 and 12, the use of numeral 22 to indicate the upper end of the cap appears to be improper and is confusing since it is already used to indicate the upper end of the assembly (see page 12, line 14); in line 9, numeral 40 appears to be inaccurate and it seems that it should be changed to --42-- or the like.

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On page 14, line 3, ✓ the use of numeral 22 to indicate the upper end of the cap appears to be improper and is confusing since it is already used to indicate the upper end of the assembly; in line 6, ✓ numeral 10 is inaccurate and should be changed to --20--; in line 12, ✓ --or pedestal-- should be inserted after "platform" for clarity; in line 15, ✓ "(not shown)" is inaccurate and should be changed to --22--; in line 18, ✓ --(not shown)-- should be inserted after "underside"; in line 19, ✓ "(not shown)" should be deleted; in line 20, ✓ numeral 64 appears to be inaccurate and it seems that it should be changed to --62-- or the like.

On page 15, line 23, ✓ numeral 76 is inaccurate and should be changed to --78--.

On page 16, line 1, ✓ numeral 76 is inaccurate and should be changed to --78--.

On page 17, line 9, ✓ "receiver" is inaccurate and should be deleted; in line 15, ✓ it seems that "cartridges" should be singular.

On page 19, line 3, ✓ it seems that --68, 68'-- should be inserted after "element" or the like for clarity.

Appropriate correction is required.

Claim Objections

7. Claims 4, 36, 47 and 48 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically, the recitation that the plurality of

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openings are “within said razor cartridge receiving area” appears to contradict the recitation in claims 1, 32 and 45, respectively, that the openings are “adjacent” the razor cartridge receiving area.

Claim Rejections - 35 USC § 112, 1st paragraph

8. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

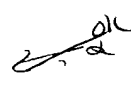
Support does not appear to be provided for one or more razor cartridges to be “permanently secured” to the cap.

Claim Rejections - 35 USC § 112, 2nd paragraph

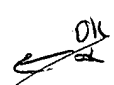
9. Claims 1-4, 25-29, 32, 35, 36, 42 and 45-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, “adapted” is vague and indefinite as to how the reservoir is “adapted” to perform the recited function, and it seems that “adapted” should be deleted; in line 8, “adapted” is vague and indefinite as to how the razor cartridge receiving area is “adapted” to perform the recited function. ↵

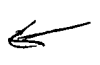
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In claim 4, lines 2-3, the recitation "within the razor cartridge receiving area" renders the limitation vague and indefinite since it is not clear as to how the openings can be both adjacent (claim 1) and within the cartridge receiving area. 

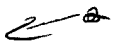
In claim 32, line 4, "adapted" is vague and indefinite as to how the reservoir is "adapted" to perform the recited function, and it seems that "adapted" should be deleted; in line 6, "adapted" is vague and indefinite as to how the razor cartridge receiving area is "adapted" to perform the recited function.

In claim 36, line 2, the recitation "within the razor cartridge receiving area" renders the limitation vague and indefinite since it is not clear as to how the openings can be both adjacent (claim 32) and within the cartridge receiving area. 

In claim 45, line 5, "securable over" renders the claim vague and indefinite and structural cooperation is not positively set forth between the cap and the dispenser, and it is suggested to change "securable over" to --secured to-- or --removably secured to-- the like; in line 9, "adapted" is vague and indefinite as to how the reservoir is "adapted" to perform the recited function, and it seems that "adapted" should be deleted.

In claim 47, lines 2-3, the recitation "underlies the one or more razor cartridges secured within the razor cartridge receiving area" renders the limitation vague and indefinite since it is not clear as to how the openings can be both adjacent (claim 45) and within the cartridge receiving area. 

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In claim 48, lines 1-2, the recitation "wherein the razor cartridge receiving area includes one or more of the plurality of apertures" renders the limitation vague and indefinite since it is not clear as to how the openings can be both adjacent (claim 45) and within the cartridge receiving area. 

Prior Art

10. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cf
December 16, 2002